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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,725	05/29/2001	Takayuki Sato	VN-0121US	1665

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EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,725

Applicant(s)

SATO, TAKAYUKI

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/6/07.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 6, 9-10, 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. LSI, LIST and NLST is/are acronym(s) and/or trademark(s), and thus are unclear. "A code of line feed" and "further network communication apparatus to sent" is unclear.
3. Claim 6 recites the limitation "said read setting information" instead of the read setting information . There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 3-41 is rejected under 35 U.S.C. 102(e) as being anticipated by Carney et al. with Patent Number 5,913,218.

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6. Regarding claim(s) 3, 14-15, 26, Carney teaches configuration files to control the operation a network device. Carney teaches a communication control memory to store a program and setting information for a said program for a communication apparatus, col. 3, lines 64-65 and col. 4, lines 32-35. Carney teaches accessing the program and setting information by using a physical address as “location”, col. 6, lines 1-6. Carney teaches a file-name sending unit to send request file name, col. 5, lines 25-32. Carney teaches a setting information sending unit to send the program and setting information identified by file name, col. 5, lines 60-65.
7. Regarding claim(s) 4, 16, 27, Carney teaches memory as a register in a LSI as a “processor”, col. 4, line 52.
8. Regarding claim(s) 5, 17, 28, Carney teaches storing setting information in a table or “library”, col. 5, lines 37-46.
9. Regarding claim(s) 6, 18, 29, 38, Carney teaches sending setting information after inserting a code line feed, col. 7, lines 30-32.
10. Regarding claim(s) 7, 19, 30, 39, Carney teaches sending the setting information as a text file, col. 8, lines 54-55.
11. Regarding claim(s) 8, 20, 31, 40, Carney teaches memory store text data specifying a type of the contents, col. 6, lines 26-33; col. 8, lines 55-66; and col. 14, lines 10-11 and reads said text data, col. 15, lines 59-60.
12. Regarding claim(s) 9, 21, 32, Carney teaches a list or get command, col. 4, lines 44-45.
13. Regarding claim(s) 10, 22, 33, Carney teaches a get command, col. 6, line 35.
14. Regarding claim(s) 11, 23, 34, 41, Carney teaches an updating unit to change setting information, col. 2, lines 53-58.

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15. Regarding claim(s) 12, 24, 35, Carney teaches updating when a file name coincides with the requested file name as "retrieval", col. 5, lines 32-34.

16. Regarding claim(s) 13, 25, 36, Carney teaches a put or store command, col. 6, lines 55-59.

17. Regarding claim(s) 37, Carney teaches displaying setting information, col. 4, lines 45-47.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Sandahl reference with Patent Number 6,098,098 is suggested. The other references cited teach numerous other ways to update configuration files for network device, thus a close review of them is suggested.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

3. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



Stephan Willett

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Patent Examiner

May 12, 2005